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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
_____)	

**THE RESCAP BORROWER CLAIMS TRUST’S COUNTER-
DESIGNATION OF ITEMS FOR RECORD ON APPEAL**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure and Rule 8007-1 of the Local Bankruptcy Rules for the Southern District of New York, the ResCap Borrower Claims Trust (the “**Borrower Trust**”), established pursuant to the terms of the *Second Amended Joint Chapter 11 Plan Proposed by Residential Capital, LLC, et al. and the Official Committee of Unsecured Creditors* [Docket No. 6030] (the “**Plan**”)¹ in the above-captioned Chapter 11 cases (the “**Chapter 11 Cases**”), hereby submits the following counter-designation of additional items to be included in the record on appeal in connection with the *Notice of Appeal* [Docket No. 9883] filed by appellant Erlinda Abibas Aniel (the “**Appellant**”), from the *Memorandum Opinion and Order After Trial of the Contested Matter of the ResCap Liquidating Trust and the ResCap*

¹ The Plan was confirmed by order of the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) dated December 11, 2013 [Docket No. 6065] and the Plan’s effective date occurred on December 17, 2013. The Plan provides for the creation and implementation of the Borrower Trust. *See* Plan, Art. IV.F. The Plan further provides that the Borrower Claims Trustee is deemed the representative of the Debtors’ estates for the purpose of prosecuting objections to borrower claims, *see* Plan, Art. IV.S.

Borrower Claims Trust's Objection to Claim Nos. 416 and 417 Filed by Erlinda Abibas Aniel, Fermin Solis Aniel, and Marc Jason Aniel [Docket No. 9850], which was entered by the Bankruptcy Court on April 20, 2016.

The Borrower Trust designates the following additional items to be included in the record on appeal.²

A. Pleadings

Docket No.	Description
2093	Order Extending Deadline for Filing Proofs of Claim
3294	Order Pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rules 1009, 3007 and 9019(b) Approving (I) Claim Objection Procedures, (II) Borrower Claim Procedures, (III) Settlement Procedures, and (IV) Schedule Amendment Procedures
6065	Order Confirming Second Amended Joint Chapter 11 Plan Proposed by Residential Capital, LLC, <i>et al.</i> and the Official Committee of Unsecured Creditors
6137	Notice of Entry of Confirmation Order Confirming the Second Amended Joint Chapter 11 Plan Proposed by Residential Capital, LLC, <i>et al.</i> and the Official Committee of Unsecured Creditors and Occurrence of the Effective Date
8897	Erlinda Abibas Aniel's Motion for Reconsideration of the Order Sustaining the ResCap Liquidating Trust and the ResCap Borrower Claims Trust's Objection to Claim Nos. 112, 114 Filed by Erlinda Abibas Aniel
9003	Letter to Judge Glenn from Jordan A. Wishnew Regarding Status of Resolution of Claims Filed by Erlinda Abibas Aniel, Fermin Solis Aniel, and Marc Jason Aniel
9023	Response Letter by Erlinda Abibas Aniel
9027	Order Denying Erlinda Abibas Aniel's Motion for Reconsideration
9051	Order Granting the ResCap Borrower Claims Trust's Request to File a Supplemental Filing with Respect to its Objection to the Aniels' Claims and Permitting the Aniels to File a Response
9112	Supplemental Declaration of Kathy Priore in Further Support of the ResCap

² For the avoidance of doubt, with regard to any pleadings and/or exhibit lists designated by the Borrower Trust, the Borrower Trust also designates any and all exhibits filed with, attached to, or otherwise referenced in such documents. For the further avoidance of doubt, the Borrower Trust designates all items designated by Appellant in Docket No. 9897, Case No. 12-12020 (MG).

Docket No.	Description
	Borrower Claims Trust Objection to Claim Numbers 416 and 417 Filed By Erlinda Abibas Aniel, Fermin Solis Aniel, and Marc Jason Aniel
9153	Erlinda Abibas Aniel's Reply to Supplemental Declaration of Kathy Priore in Further Support of the ResCap Borrower Claims Trust Objection to Claim Numbers 416 and 417 Filed By Erlinda Abibas Aniel, Fermin Solis Aniel, and Marc Jason Aniel
9326	Letter from Erlinda Abibas Aniel to Judge Glenn dated November 10, 2015 Regarding Discovery
9462	Amended Case Management & Scheduling Order for ResCap Borrower Claims Trust's Objection to Claim Nos. 416 and 417 Filed by Erlinda Abibas Aniel, Fermin Solis Aniel, and Marc Jason Aniel
9563	Motion to Quash Subpoena
9568	Erlinda Abibas Aniel's Motion to Expunge/Strike Out Ocwen Loan Servicing, LLC from the Records and its Motion to Quash Subpoena
9570	Order Granting the Motion to Quash and Denying the Motion to Strike
9582	Motion For Reconsideration and/or Clarification of Ruling Regarding Motion To Strike Ocwen's Motion To Quash Subpoena
9605	Proposed Pretrial Order Regarding Claims Filed by Erlinda Abibas Aniel, Fermin Solis Aniel and Marc Jason Aniel
9638	Letter from Erlinda Abibas Aniel to Judge Glenn dated February 11, 2016 Requesting That The Proposed Pre-Trial Order Exhibit List Be Amended
9653	Letter from Williams and Connolly on behalf of HSBC dated February 22, 2016
9657	Order Concerning Application of HSBC to Quash Trial Subpoenas Relating to the Contested Claim of Erlinda Abibas Aniel
9872	Motion to Alter or Amend Judgment by Way of Motion for Reconsideration Pursuant to Federal Rule of Civil Procedure 59(e) regarding Memorandum Opinion and Order After Trial of the Contested Matter of the ResCap Liquidating Trust and the ResCap Borrower Claims Trust's Objection to Claim Nos. 416 and 417 Filed by Erlinda Abibas Aniel, Fermin Solis Aniel, and Marc Jason Aniel
9878	Letter from Erlinda Abibas Aniel to Judge Glenn dated May 3, 2016 Requesting to Supplement Motion for Reconsideration

B. Borrower Trust's Exhibits in Evidence from Aniel Trial

Trial Exhibit	Description
Exhibit A	Declaration and Proposed Testimony of Kathy Priore in Support of the ResCap Borrower Claims Trust's Objection to Claim Nos. 416 and 417 Filed by Erlinda Abibas Aniel, Fermin Solis Aniel and Marc Jason Aniel
Exhibit B	Note
Exhibit C	Deed of Trust
Exhibit D	2008 Limited Power of Attorney
Exhibit E	2008 Substitution of Trustee
Exhibit F	2009 Assignment of Deed of Trust
Exhibit G	2011 Assignment of Deed of Trust
Exhibit H	Mira Smoot Company Profile
Exhibit I	2012 Substitution of Trustee
Exhibit J	2012 Notice of Default and Election to Sell Under Deed of Trust
Exhibit K	2012 Notice of Trustee's Sale

C. Other

Docket No.	Description
8534	Transcript of Hearing held on April 16, 2015 at 10:00 a.m. (Prevailing Eastern Time)
9820	Transcript of Hearing held on March 24, 2016 at 9:00 a.m. (Prevailing Eastern Time)
9822	Transcript of Hearing held on March 25, 2016 at 9:00 a.m. (Prevailing Eastern Time)
9803	Transcript of Pretrial Conference held on February 25, 2016 at 10:00 a.m. (Prevailing Eastern Time)
9440	Transcript of Status Conference held on November 18, 2015 at 10:00 a.m. (Prevailing Eastern Time)
N/A	Proof of Claim Number 416 Filed by Erlinda Abibas Aniel, Fermin Solis Aniel, and Marc Jason Aniel on August 20, 2012
N/A	Proof of Claim Number 417 Filed by Erlinda Abibas Aniel, Fermin Solis Aniel, and Marc Jason Aniel on August 20, 2012
9741	Declaration Under Penalty of Perjury as Direct Testimony of Erlinda Abibas Aniel

Dated: May 26, 2016
New York, New York

/s/ Norman S. Rosenbaum

Norman S. Rosenbaum

Jordan A. Wishnew

Jessica J. Arett

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